



EFW

PATENT  
Customer No. 22,852  
Attorney Docket No. 08888.0530-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Patrick BENOIT *et al.* ) Group Art Unit: 1635  
)  
Application No.: 10/802,030 ) Examiner: Terra C. Gibbs  
)  
Filed: March 17, 2004 )  
) Confirmation No.: 3970  
For: SEQUENCES UPSTREAM OF )  
THE CARP GENE, VECTORS )  
CONTAINING THEM AND USES )  
THEREOF )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In an Office Action mailed July 19, 2006 ("Office Action"), the Examiner required restriction under 35 U.S.C. § 121 among the following groups:

Group I. Claims 1, 2, 7, and 9-19, allegedly drawn to a polynucleotide comprising a fragment of SEQ ID NO:3, or a fragment of a sequence that hybridizes under high stringency conditions to SEQ ID NO:3, wherein said polynucleotide, in the absence of inverted terminal repeat sequences from AAV, specifically induces expression in cardiac cells *in vivo* of a gene which is operably linked to said polynucleotide and an expression cassette comprising said polynucleotide, classifiable in class 536, subclass 24.5.

Group II. Claims 1, 2, 7, and 9-19, allegedly drawn to a polynucleotide comprising a fragment of SEQ ID NO:4, or a fragment of a sequence that hybridizes under high stringency conditions to SEQ ID NO:4, wherein said polynucleotide, in the absence of inverted terminal repeat sequences from AAV,